

B. Jurisdiction

Plaintiff contends that this Court has subject matter jurisdiction under 18 U.S.C. § 1964 (RICO), 28 U.S.C. § 1331, and 28 U.S.C. § 1337. Plaintiff further contends that jurisdiction may also exist under 28 U.S.C. § 1332(d), in that the amount in controversy on a class-wide basis exceeds \$5 million, exclusive of interest and costs, and in that there are believed to be over 100 members of the putative class, all of whom are of diverse citizenship to Defendants.

Plaintiff Michael Bock is a citizen of the state of Illinois. Defendants Wakpamni Lake Community Corporation (“WLCC”), Wakpamni Lake Community Corporation II (“WLCC II”), and WLCC Lending FDL are entities organized under the laws of the Oglala Sioux Tribe. On information and belief none of the entities’ members are residents of Illinois. Defendant Geneva Lone Hill and Defendant Raycen Raines, III are citizens of South Dakota. Defendant Brett A. Crandall (“Crandall”) is a citizen of Iowa. Plaintiff contends that this Court has jurisdiction over each Defendant pursuant to 735 ILCS 5/2-209, because, as alleged by Plaintiff, each Defendant was involved in the making of illegal loans to Illinois residents via an interactive website. Plaintiff contends that venue in the Northern District of Illinois is proper because, as alleged by Plaintiff, acts to collect the loans impacted Plaintiff in the District.

Defendants have not yet filed responsive pleadings in this matter and continue to review the allegations in this case. Defendants reserve the right to challenge this Court’s jurisdiction over this case and Defendants, including but not limited to, on the grounds of sovereign immunity.

C. Nature of Claims Asserted & Relief Sought

Michael Bock alleges that the Defendants made, and are in the business of making, usurious and illegal loans—exceeding 600%—to Illinois residents in a scheme to evade state consumer protection laws. Plaintiff, for himself and on behalf of putative classes, requests injunctive and declaratory relief pursuant to the Illinois Consumer Fraud Act, 815 ILCS 505/1 *et seq.* and the Illinois Predatory Loan Prevention Act 815 ILCS 123/15-1-1 *et seq.*, damages pursuant to the Illinois Interest Act, 815 ILCS 205/6, and treble damages under RICO.

D. Whether the defendants will answer the complaint or, alternatively, whether the defendant will otherwise plead to the complaint.

Defendants’ responsive pleading deadline is currently July 5, 2022. Defendants are continuing to review the allegations in the Complaint and determine an appropriate responsive pleading strategy.

E. Principal Legal & Factual Issues

- i. Whether Defendants’ practices violated the Illinois Consumer Fraud Act, 815 ILCS 505/1 *et seq.*;
- ii. Whether Defendants’ practices violated the Illinois Predatory Loan Prevention Act, 815 ILCS 123/15-1-1 *et seq.*;

- iii. Whether Defendants' practices violated the Illinois Interest Act, 815 ILCS 205/6;
- iv. Whether Defendants' practices violated RICO, 18 U.S.C. § 1964;
- v. The injunctive and declaratory relief to which Plaintiff and/or the putative class members are entitled;
- vi. The damages to which Plaintiff and/or the putative class members are entitled;
- vii. Whether Plaintiff can satisfy the requirements for class certification under Rule 23;
- viii. Whether the Complaint states a claim for relief;
- ix. Whether Plaintiff's claims are subject to arbitration; and
- x. Whether Plaintiff's claims are barred by the doctrine of sovereign immunity.

F. Service of Process

Defendant Crandall was served on April 29, 2022. All other defendants waived service of summons. Plaintiff has not yet identified John Does 1-20.

2. Proceedings to Date

No motions are pending before this Court. There have been no substantive rulings.

3. Discovery & Case Plan

- A. Discovery has not begun. Discovery will include, among other things, the search and production of electronically stored information, depositions, third party discovery, and possibly expert discovery.
- B. Discovery Plan:
 - i. Deadline for Rule 26(a)(1) disclosures: June 15, 2022.
 - ii. Deadline to issue written discovery requests: July 29, 2022.
 - iii. Fact discovery cut off: March 31, 2023.
 - iv. Deadline for amending pleadings and joining parties: December 23, 2022.
 - v. Dispositive motions due: May 1, 2023.
 - vi. Deadline for Plaintiff to file a Motion for Class Certification: November 18, 2022.

C. Plaintiff demands trial by jury.

D. Trial will likely take 2-4 days.

4. Settlement

- A. The Parties have not discussed settlement. They have, however, communicated regarding other matters.

B. The Parties do not request a settlement conference at this time.

5. Consent to Appear Before a Magistrate Judge

The parties are not prepared at this time to consent to proceed before a Magistrate Judge.

Respectfully submitted,

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| <u>/s/ Matthew J. Goldstein</u> Daniel A. Edelman (lead trial attorney) Tara L. Goodwin Matthew J. Goldstein EDELMAN, COMBS, LATTURNER & GOODWIN, LLC 20 S. Clark Street, Suite 1500 Chicago, IL 60603-1824 (312) 739-4200 (312) 419-0379 (FAX) dedelman@edcombs.com tgoodwin@edcombs.com mgoldstein@edcombs.com Email Address for service: courtecl@edcombs.com | <u>/s/ Daniel R. Waltz</u> Daniel R. Waltz TROUTMAN PEPPER HAMILTON SANDERS LLP 227 W. Monroe St., Suite 3900 Chicago, IL 60606 (312) 759-5948 Meagan A. Mihalko <i>Pro hac vice forthcoming</i> TROUTMAN PEPPER HAMILTON SANDERS LLP 1001 Haxall Pt. Richmond, VA 23219 (804) 697-1281 |
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CERTIFICATE OF SERVICE

I, Matthew J. Goldstein, hereby certify that on Wednesday, June 1, 2022, I caused a true and accurate copy of the foregoing document to be filed via the court's CM/ECF online system, which sent notice via email to all counsel of record.

/s/ Matthew J. Goldstein
Matthew J. Goldstein

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